



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001
Telephone (202) 727-8822 Fax (202) 727-7929

Honorable Milton E. Lee
Chairman

Linden Fry
Executive Director

February 10, 2023

Honorable Brooke Pinto, Chairwoman
Committee on Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairwoman Pinto:

Please find the D.C. Sentencing Commission's responses to your Performance Oversight Hearing Questions below.

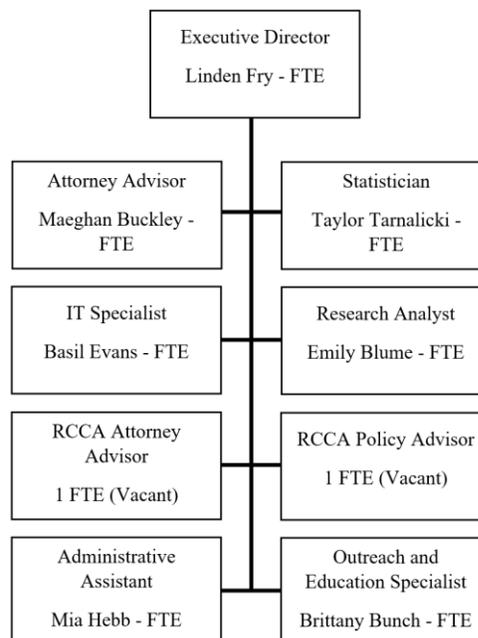
A. ORGANIZATION AND OPERATIONS

1. Please provide a complete, up-to-date organizational chart for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.

D.C. SENTENCING COMMISSION ORGANIZATIONAL CHART

February 1, 2023

Senior Personnel: Linden Fry, Executive Director



The D.C. Sentencing Commission is a single division agency, consisting of only the Sentencing Guidelines Division. The Sentencing Guidelines Division oversees the development, monitoring, and application of the District's Voluntary Sentencing Guidelines, which apply to all felony sentences imposed by the D.C. Superior Court. Specific responsibilities include: (1) computing judicial compliance with the Guidelines; (2) collecting, analyzing, and reporting on data related to sentencing trends and policy impact; (3) conducting sentencing policy-related research; (4) responding to sentencing related data requests; and (5) providing assistance and training to judges and criminal justice professionals regarding the use of the Guidelines.

- a. Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions. For vacant positions, please indicate how long the position has been vacant.

See organizational chart above. Both vacant positions have been open since October 1, 2022. The Commission has already begun recruiting and interviewing candidates for these positions and expects to fill the positions during the second quarter of FY23.

- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year

The only change to our organizational chart made during the previous year is the addition of two positions, funded by the Council, to address modifying the Sentencing Guidelines and agency activities in anticipation of the RCCA.

2. Please list each new program implemented by the agency during FY 2022 and FY 2023, to date. For each initiative please provide:

- a. A description of the initiative, including when it began and when it was completed (or is expected to be completed);
- b. The funding required to implement the initiative;
- c. Any documented results of the initiative.

(1) Strategic Outreach and Education Strategy

- a. In FY20, the agency adopted a strategic outreach and education strategy that focused on public education regarding the purpose and function of the District's Voluntary Sentencing Guidelines. This strategy was modified in FY21 and FY22 to attempt to increase the size of live and remote audiences, particularly in Wards 7 and 8. The agency's goal is to help citizens understand the District's sentencing process, sentencing trends in their neighborhood, and the factors that are taken into consideration in determining the recommended Guidelines sentence. The agency has already begun using various outreach tools, including social media, printed materials, and live and recorded presentations, to ensure that all residents have access to the information. This program will allow for two-way dialogue with residents who are faced with real life public safety issues and situations.

- b. This project will be completed by Commission staff. The additional funding required to implement this initiative is limited to printing, equipment, and travel costs related to delivering presentations – estimated to be between \$3,000 and \$5,000 per year.
- c. The Commission has hosted a total of 19 presentations to audiences from Citizen Advisory Commissions (CAC), Advisory Neighborhood Commissions (ANC), and Police Service Area (PSA) Outreach events, United States Attorney’s Office (USAO) community events, Court Services and Offender Supervision Agency (CSOSA) events, local schools and others. The Commission has also attended 42 public safety-oriented community events. Through activities and printed media such as Twitter postings, fast facts sheets, agency newsletters, brochures, and issues papers, the Commission has been able to ensure that the public has access to educational content regarding felony sentencing in the District. The agency’s website hits increased from 23,031 in FY21 to 35,350 in FY22. The Outreach Specialist completed 52 website updates in FY21 and 103 in FY22 and FY23, to date. The agency increased its social media activity from 249 social media posts in FY21 to 738 in FY22 and FY23, to date.

(2) Develop an RCCA Approach Plan

- a. The D.C. Council recently passed the RCCA which, once enacted, will overhaul the District’s criminal statutes and criminal code scheme. As a result, the Sentencing Guidelines will likely need to be significantly modified. In FY23, Commission staff will develop an approach for the Commission to use in deciding how to adjust the Guidelines following the enactment of the RCCA. The plan will present a potential strategy or strategies that the Commission can use to begin the process of evaluating and modifying the Sentencing Guidelines to adapt to the District’s new criminal code.
- b. In FY23 the Council funded two new agency positions to support the work of preparing the Sentencing Guidelines and the Commission for the RCCA’s enactment. These positions will lead the project.
- c. This initiative has not been completed yet.

(3) Sentencing Guidelines User Support Program

- a. The Commission has implemented a new program to provide more resources to the agency’s partners that utilize the Sentencing Guidelines the most: Superior Court judges and staff, CSOSA presentence report writers, and criminal law practitioners. Starting in the second quarter of FY23, Commission staff will provide quarterly materials or trainings to each of the listed partners. Planned resources include in-person trainings, pre-taped training videos, virtual trainings, virtual Office Hours for Guidelines questions, and a one-page Annual Report fact sheet.

- b. This project will be completed by Commission staff. It may result in modest increases in expenditures for printed materials. That amount is not expected to exceed \$3,000.00 in FY23.
- c. This initiative has not been completed yet.

(4) Publish Data Request Responses

- a. The Sentencing Commission receives and responds to many individual data requests each year. During FY23, the agency will begin an initiative to publish select data request responses so that anyone with internet access may review and utilize the data. Published data request responses will be highlighted in the agency's social media posts. In quarter four of FY23, the agency will disseminate a survey on its website and social media accounts to determine if users want to see more data requests published.
- b. This project will be completed by Commission staff. The Commission does not anticipate needing any additional funding to complete this initiative.
- c. This initiative has not been completed yet.

(5) Analyze Papered Case Rates based on Race and Offense Location

- a. The Commission will publish an issues paper analyzing arrest papering rates based on racial and geographic variables. This will allow the Commission to assess if there are discrepancies between papering rates (arrests that are moved forward for prosecution) based on a defendant's race or the location of the incident.
- b. This project will be completed by Commission staff. The Commission does not anticipate needing any additional funding to complete this initiative.
- c. This initiative has not been completed yet.

3. Please provide a complete, up-to-date position listing for your agency, ordered by program and activity, and including the following information for each position:
 - a. Title of position;
 - b. Name of employee or statement that the position is vacant, unfunded, or proposed;
 - c. Date employee began in position;
 - d. Salary and fringe benefits (separately), including the specific grade, series, and step of position;
 - e. Job status (continuing/term/temporary/contract);
 - f. Whether the position must be filled to comply with federal or local law.
 - g. Please note the date that the information was collected

Title	Name	Hire Date	Salary	Fringe Ben.	Series	Grade	Step	Job Status	Legal Req.
Executive Director	Fry, Linden	11/8/2021	\$152,935	\$31,811	ES	9	0	Continuing	N
Statistician	Tarnalicki, Taylor	4/3/2017 (promoted on 10/1/21)	\$96,755	\$20,125	ES	7	0	Continuing	N
Attorney Advisor	Buckley, Maeghan	10/12/2021	\$117,042	\$24,345	ES	7	0	Continuing	N
Staff Assistant	Hebb, Mia	3/15/2010	\$69,840	\$14,527	ES	3	0	Continuing	N
Outreach Specialist	Bunch, Brittany	5/10/2021	\$76,405	\$15,892	ES	5	0	Continuing	N
Research Analyst	Blume, Emily	2/28/2022	\$80,109	\$16,663	ES	6	0	Continuing	N
IT Specialist (Data Mgmt)	Evans Jr., Basil	12/23/2019	\$95,506	\$19,865	ES	7	0	Continuing	N
Attorney Advisor (RCCA)	Vacant - Currently Recruiting				ES	7	0	Continuing	N
Policy Advisor (RCCA)	Vacant - Currently Recruiting				ES	7	0	Continuing	N

Information Collected on 2/02/2023

4. Does the agency conduct annual performance evaluations of all of its employees, and was this done in FY 2022? Who conducts such evaluations? What are the performance measures by which employees are evaluated? What steps are taken to ensure that all agency employees are meeting individual job requirements? What steps are taken when an employee does not meet individual job requirements?

The agency follow's the D.C. Department of Human Resources' (DCHR) performance management plan for employee performance evaluations. At the beginning of each fiscal year, employees are given four to six core competencies and three to five SMART goals that will be used to measure their performance during the year. The Commission's Executive Director monitors each employee's performance and goal attainment throughout the year via bi-weekly project reports. Feedback and support are also given during monthly

check-ins between the Executive Director and Commission employees. If it appears that an employee is struggling to perform their job requirements or meeting their SMART goal deadlines, they will be given a mid-year review. If necessary, employees who are falling short of their expected performance goals will be placed on a performance improvement plan (PIP). The Executive Director meets with any employee placed on a PIP on a bi-weekly basis to keep track of their progress and provide them with any additional assistance, resources, or training necessary to successfully complete the PIP. At the end of the year, each agency employee's performance is evaluated by the Executive Director based on the employee's ability to meet their core competencies and complete their SMART goals. If an employee has an average score below 2.0 on their performance review, they will be placed on a PIP.

No Commission employee was placed on a PIP in FY22 or in FY23, to date.

5. Please list all employees detailed to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.

The Commission does not have any employees detailed to or from the agency.

6. Please provide the position name, organization unit to which it is assigned, and hourly rate of any contract workers in your agency, and the company from which they are contracted.

The agency did not have any contract workers in FY22 or FY23, to date.

7. Please provide the Committee with:

- a. A list of all employees who receive cellphones or similar communications devices at agency expense.

In FY22 and FY23, no employee was issued or possessed an agency provided cellphone or similar device.

- i. Please provide the total cost for mobile communications and devices at the agency for FY 2022 and FY 2023 to date, including equipment and service plans.

The agency had no mobile communication costs in FY22 or in FY23, to date.

- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.

The agency does not own, lease, or use any vehicles. No agency employee is assigned a vehicle.

- c. A list of employee bonuses or special award pay granted in FY 2022 and FY 2023, to date.

No agency employee was given a bonus or special award pay in FY22 or FY23, to date.

d. A list of travel expenses, arranged by employee.

Employee: Linden Fry (Executive Director)

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2022 Conference (Portland, OR)	8/7/22 to 8/11/22	\$2,807	Hotel, Airfare, Registration, Per Diem	Learn about sentencing trends, research, policies, and legal issues throughout the United States. Share ideas on how to address common problems in sentencing and structuring sentencing Guidelines
National Association for Justice Information Systems 2022 Conference (Seattle, WA)	9/26/22 to 9/30/22	\$2,139	Hotel, Airfare, Registration, Per Diem	Interact with experts in criminal justice data sharing to learn about processing and organization methods in preparation for D.C. Superior Court's transition from Court View to Odyssey

Employee: Taylor Tarnalicki (Statistician)

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2022 Conference (Portland, OR)	8/7/22 to 8/11/22	\$2,631	Hotel, Airfare, Registration, Per Diem	Learn about sentencing research, trends, policies, and legal issues throughout the United States. Share ideas on how to address common problems in sentencing and structuring sentencing Guidelines.
National Association for Justice Information Systems 2022 Conference (Seattle, WA)	9/26/22 to 9/30/22	\$2,313	Hotel, Airfare, Registration, Per Diem	Interact with experts in criminal justice data sharing to learn about processing and organization methods in preparation for D.C. Superior Court's transition from Court View to Odyssey

Employee: Emily Blume (Research Analyst)

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2022 Conference (Portland, OR)	8/7/22 to 8/11/22	\$2,632	Hotel, Airfare, Registration, Per Diem	Learn about sentencing trends, research, policies, and legal issues throughout the United States. Share ideas on how to address common problems in sentencing and structuring sentencing Guidelines

Employee: Maeghan Buckley (Attorney Advisor)

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2022 Conference (Portland, OR)	8/7/22 to 8/11/22	\$2,693	Hotel, Airfare, Registration, Per Diem	Learn about sentencing trends, research, policies, and legal issues throughout the United States. Share ideas on how to address common problems in sentencing and structuring sentencing Guidelines

Employee: Brittany Bunch (Community Outreach Specialist)

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2022 Conference (Portland, OR)	8/7/22 to 8/10/22	\$2,285	Hotel, Airfare, Registration, Per Diem	Learn about sentencing trends, research policies, and legal issues throughout the United States. Share ideas on how to address common problems in sentencing and structuring sentencing Guidelines

- e. A list of the total overtime and worker's compensation payments paid in FY 2022 and FY 2023, to date.

The agency did not pay any overtime or worker's compensation payments in FY22 or FY23, to date.

- 8. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.

No agency employees are covered by a Collective Bargaining Agreement.

- a. Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.

Not applicable.

- b. Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.

Not applicable.

- c. Please note if the agency is currently in bargaining and its anticipated completion date.

The agency is not in, and does not anticipate being involved in, any collective bargaining in the near future.

- 9. Please identify all electronic databases maintained by your agency, including the following:

The Sentencing Commission maintains and uses the Guidelines Reporting Information Data (GRID) System

- a. A detailed description of the information tracked within each system;

The GRID System is an independent web-based application platform with an electronic database system. It enables the Commission to capture arrest, case, and sentencing information; analyze Guidelines compliance; and performs numerous types of data analysis. Its core capabilities include receiving and processing information; storing, displaying, and exporting data; calculating felony sentence compliance with the Guidelines; and performing data analysis. It utilizes data from four sources: Superior Court, CSOSA, the D.C. Metropolitan Police Department (MPD), and individual judges.

The Superior Court provides the Commission with all offense, conviction, and sentencing-related data. This data is transmitted from the Superior Court to the Commission electronically through the Criminal Justice Coordinating Council's (CJCC) Integrated Justice Information System Outbound Data Feed (IJIS 12.1). This data is transferred nightly and includes information on any felony case filed or updated that day. This data feed contains approximately 500 data elements.

Defendant criminal history related information is provided by CSOSA. CSOSA presentence report writers directly input a limited amount of defendant criminal history and demographic information into the GRID system via an interface called the GRID Scoring System (GSS) module. Using the criminal history information provided, the GSS module applies multiple business rules to calculate a defendant's criminal history score which is displayed in the GRID system. Typically, the GSS system calculates an average of approximately 2,500 criminal history scores per year.

Through the MPD arrest data feed, the agency receives real time arrest information every 30 minutes. That data is validated, processed, and stored in an MPD arrest database. Arrest data is transferred and integrated into the GRID system once an arrest results in a case filing in Superior Court, allowing for the analysis of a felony case from arrest through sentencing. The MPD arrest data feed contains approximately 700 arrest related data variables. On average, the agency receives data from over 400 arrests per day.

Finally, individual judges provide specific case information in response to Commission staff inquiries through departure letters regarding perceived non-compliant departures from the Guidelines. This allows judges to either correct any errors in the data or to provide an explanation for why they imposed a sentence outside of the Guidelines sentencing options.

Using the data received from the Superior Court and CSOSA, the GRID system can determine judicial compliance with the sentencing Guidelines for felony convictions sentenced in Superior Court, identify sentencing trends, and perform numerous sentencing related data analyses to evaluate sentencing policy and respond to data requests. GSS also provides a bi-directional exchange of sentencing information between the Commission and CSOSA. After a judge sentences a defendant, GSS electronically informs CSOSA if the judge imposed a Guidelines recommended sentence and notes any changes made to the offender's criminal history score.

The collection of data provided by MPD, Superior Court, and CSOSA allows for sentencing trend analysis that can be completed by specific offense, case, defendant, and sentence imposed to identify emerging trends or sentencing issues.

- b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system.

The GRID system was fully implemented in December 2013. Commission staff and CSOSA officers began to fully utilize the GSS module in March 2015. Since implementation, modifications have been made to both the GRID system and the GSS module to better capture data, improve usability, add new functionality, ensure correct Guidelines compliance calculations, and improve system reliability and security. The agency updated the GRID system's archival procedures in FY19 to ensure that all transferred data was received and processed even when a server connectivity issue arises.

In FY20, the agency undertook a substantial upgrade to the GRID system that enabled the Commission to access, consume, and analyze MPD arrest data. The upgrade allows the Commission to conduct “entry to exit” analysis of felony offenses, offenders, and cases in the District. This project included the development of an XML interface to consume the arrest data; database development; and integration of arrest data into the current GRID system, including business rules, algorithms, analysis tables, and user screens. The additional 700+ arrest-related data elements have significantly enhanced the agency’s analytic capabilities.

In FY21, the Commission upgraded the system to add a limited amount of historic MPD data to the GRID system to allow Commission staff to conduct more time-based analyses and comparisons. During this upgrade, the Commission also added a victim analysis table. The table contains specific victim related demographic information, prior domestic violence involvement, victim residency, relationship to defendant, victim injury or death information, and other specific victim-related data obtained from the MPD arrest data feed. The Commission also upgraded the GRID system so that it can analyze arrest, offense, and offender data, where available, based on geographic locations such as Ward or ANC.

Currently, the Superior Court is in the process of upgrading their internal case management system to a new system called “Odyssey.” The deployment of Odyssey has been difficult and faced repeated delays. This upgrade will change both the structure and format of the data coming from Superior Court data as well as how that data is shared with partner agencies. Once these changes are fully implemented, the Commission will need to upgrade its system to ensure that it can continue to consume Court data in its new format. The GRID system will also need to be modified to handle new data variables that will accompany the Court’s system upgrade. The Commission is working with the Court and the CJCC to learn the final format and schema for data coming from the Odyssey system. After the Court finalizes Odyssey’s format and schema, the Commission will need to obtain funding to complete the upgrades and enter into a new contract with the agency’s GRID system vendor.

During FY22, a significant change was made to the GRID system’s database server. The storage which houses the database and backup files was upgraded to allow for future growth. Additionally, more hardware was added to handle large transactions that were causing resources to bottle neck and cause latency to the data operations.

- c. Whether the public can be granted access to all or part of each system.

The public does not have direct access to the GRID system because it contains security sensitive and private personal identifying information (PII). The agency uses its website and other platforms to share redacted data and analysis from the GRID system. The agency also provides GRID sentencing information to other individuals and groups through a standardized data request process.

10. Please describe the agency’s procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2022 and FY 2023, to date, and whether and how those allegations were resolved.

The Sentencing Commission and its employees have not been the subject of any investigation into allegations of sexual harassment, sexual misconduct, or discrimination in FY22 and FY23, to date. If the Commission or one of its members or employees were to become the subject of such an investigation, the Commission would follow the policies and procedures set forth by the D.C. Office of Human Rights and Mayoral Order 2017-313 on Sexual Harassment. Employees are protected under the Human Rights Act of 1977. Agency employees are required to complete mandatory trainings and are kept informed of their rights, responsibilities, and available resources by the agency’s Attorney Advisor.

11. For any boards or commissions associated with your agency, please provide a chart listing the following for each member:

- a. The member’s name;
- b. Confirmation date;
- c. Term expiration date;
- d. Whether the member is a District resident or not;
- e. Attendance at each meeting in FY 2022 and FY 2023, to date.
- f. Please also identify any vacancies.

Under D.C. Code § 3-102, “The Commission shall consist of 12 voting members and 5 nonvoting members.” Currently, the Commissions membership is as follows:

Commission Member (a)	Agency Affiliation / Appointing Authority	Initial Appointment Date (b)	Term Expiration (c)	DC Resident (d)	Meeting Attendance FY 22 (e)	Meeting Attendance FY 23* (e)
Hon. Milton C. Lee (Chairperson)	DC Superior Court Judge	5/2017	N/A	Y	100%	100%
Hon. Marisa Demeo	DC Superior Court Judge	1/2022	N/A	Y	100%	100%
Hon. Juliet McKenna**	DC Superior Court Judge	1/2020	N/A	Y	67%	100%
Hon. Rainey Brandt****	DC Superior Court Judge	1/2023	N/A	Y	N/A	100%
Katerina Semyonova, Esq.	DC Public Defender Service	10/2017	N/A	Y	100%	100%
Cedric Hendricks	Court Services and Offender Supervision	1/2002	N/A	Y	89%	100%
Renata Cooper, Esq.	United States Attorney’s Office	5/2012	N/A	Y	89%	100%
Dave Rosenthal, Esq.	DC Attorney General	11/2003	N/A	N	100%	100%
William R. Martin, Esq.	Criminal Attorney – Appointed by Chief Judge	1/2015	12/31/2022	Y	44%	50%

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Frederick D. Cooke, Jr. Esq.	Private Attorney – Appointed by Chief Judge	1/2018	12/31/2022	Y	67%	50%
Vacant (f)	Researcher - Appointed by Chief Judge	N/A	N/A	N/A	N/A	N/A
Vacant (f)	Citizen Member – Appointed by the Mayor	N/A	N/A	N/A	N/A	N/A
Molly Gill, Esq.	Citizen Member – Appointed by the Council	11/2012	7/2/2023	Y	100%	50%
Eric Glover, Esq. [†]	DC Department of Corrections	2/2020	N/A	Unknown	67%	100%
Leslie Parson [†]	DC Metropolitan Police Department	10/2018	N/A	Unknown	89%	100%
Stephen Husk [†]	US Parole Commission	5/2011	N/A	N	100%	50%
Sonya D. Thompson/ Other Agency Rep. [†]	Federal Bureau of Prisons	1/2020	N/A	N	67%	100%
Hon. Brooke Pinto/ Committee Representative**** [†]	DC Council – Chairman of Committee on Judiciary	1/2023	N/A	Y	N/A	100%
Hon. Charles Allen/ Committee Representative**** [†]	DC Council – Chairman of Committee on Judiciary	1/2017	N/A	Y	78%	100%

* As of February 10, 2023, the Commission has held two meetings in FY 2023

**Left Commission in December 2022

***Left Commission in January 2023

****New Member as of January 2023

[†]Non-voting Member

12. Please list the task forces and organizations, including those inside the government such as interagency task forces, of which the agency is a member and any associated membership dues paid.

Task Force	Common Name	Parent Agency (if applicable)	Membership Fees
Inter-agency Data Quality Work Group	IDQ	CJCC	\$0
Information Technology Advisory Committee	ITAC	CJCC	\$0
Inter-agency Security Work Group	ISW	CJCC	\$0
Inter-agency Information Work Group	IWG	CJCC	\$0
GunStat	GunStat	CJCC	\$0
Sealings, Expungements and Set Asides Working Group	SES	CJCC	\$0
National Association of Sentencing Commissions	NASC	N/A	Included in Conference Registration (\$350 per person)
National Association for Justice Information Systems	NAJIS	N/A	Included in Conference Registration (\$595 per person)
Data Science Work Group	DSWG	OCTO	\$0
Interagency Data Team	IDT	OCTO	\$0
Information Security Officer Team	ISOT	OCTO	\$0

13. What has the agency done in the past year to make the activities of the agency more transparent to the public?

Over the past year, to make information about agency operations, activities, and sentencing data more easily available to the public, the Commission has taken several steps to increase transparency. First, the Commission has improved the way that Commission meetings are recorded, posted on its website, and shared on the Commission social media platforms. Videos of all Commission meetings are now available and easy to access within three business days of each meeting. This was done to ensure that those who were unable to attend meetings can remain informed about the Commission activities. This change also ensures the Commission complies with the Open Meetings Act. Second, the Commission has improved how it educates the public by presenting at local community meetings. The Commission has also extended its outreach to local schools, including American University, The George Washington University, and Dunbar High School's Law and Public Policy Program. Over the past year, the Commission has held 19 presentations centered around topics that include, but are not limited to, an introduction to the Commission, D.C. Voluntary Sentencing Guidelines 101, D.C. felony sentencing process presentations, and Annual Report overviews. This was done to increase the public's knowledge about felony sentencing and the Commission's activities.

Over the past few years, continuing in FY22 and FY23, the Commission has made major strides in improving its website and social media accounts (Twitter, Facebook, and YouTube). The Commission consistently shares updates, which include but are not limited to: monthly meeting reminders, publication announcements, felony sentencing facts, informational graphics, Commission history, Guidelines Alerts, and Guidelines updates. Lastly, the Commission maintains transparency through its monthly email blast and biannual newsletters. These products allow the public to get a snapshot of the Commission's recent activities and provides reminders on pertinent Commission resources. The posts also keep practitioners up to date on the Guidelines.

14. How does the agency solicit feedback from customers? Please describe.

The Commission solicits feedback in various ways to ensure that the agency's partners and the public's needs are being met. When the Commission hosts a community training session, a presentation survey and email subscriber link are provided to participants. A portion of the prompts address topics that the community would like to receive more information about. Although community presentation surveys often go unfilled, community members often sign up to join the Commission's email list and leave suggestions regarding topics that they would like the Commission to explore in the future.

The Commission also seeks feedback from the public regarding topics that should be explored in future Commission research studies or publications. The Commission has created a Fast Facts series of one-page publications focused on topics the public would like more information about. They are intended to provide the public and interested parties with a high-level overview of selected felony sentencing topics. The Commission has tried to source feedback from the public regarding topics by making use of response surveys and Twitter Polls. Lastly, the Commission has also made use of surveys to further engage our criminal justice partners such as the Superior Court. Before implementing our outreach strategy, a survey was sent out to further gauge what educational methods would work best for judges and practitioners. From the survey's feedback, the Commission was able to note that Quick Reference Sheets were the best tool for aiding judges. The Commission continues to explore different ways of further sourcing feedback.

a. What is the nature of comments received? Please describe.

Community members have asked for more felony sentencing data reviewing carjacking offenses, sex offenses, violent offenses, attempted murder offenses, and robbery offenses. In its recent Fast Facts poll, the Commission learned that the community also has an interest in learning more about felony sexual assault in the District.

Surveys of judges revealed the need for more basic instruction materials and references.

b. How has the agency changed its practices as a result of such feedback?

Starting in FY23, the agency will select topics for Fast Fact publications based on feedback from the public through social media polls. As a result of the responses received from the initial Fast Facts social media poll, the Commission will release

a Fast Facts publication on sex offense sentencing later this year. The Commission will also use this method to source feedback for its new “Hot Topic Analysis” in the 2023 Annual Report.

As a result of feedback from D.C. Superior Court judges, the Commission has published a bench guide to aid judges and has provided more training materials on our website for practitioners.

The Commission will continue to send surveys to the public.

15. Please complete the following chart about the residency of new hires:

Number of Employees Hired in FY 2022 and FY 2023, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	1	1
Term	0	0
Temporary	0	0
Contract	0	0

16. Please provide the agency’s FY 2022 Performance Accountability Report.

See Attachment A

B. BUDGET AND FINANCE

17. Please provide a chart showing the agency’s approved budget and actual spending, by division, for FY 2022 and FY 2023, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

See Attachments B-1 and B-2

Documentation tracking and explaining variances between FY22 appropriations and actual expenditures will be forthcoming from OCFO.

18. Please list any reprogrammings, in, out, or within, related to FY 2022 or FY 2023 funds. For each reprogramming, please list:

- a. The reprogramming number;
- b. The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
- c. The sending or receiving agency name, if applicable;
- d. The original purposes for which the funds were dedicated;
- e. The reprogrammed use of funds.

SCDC Performance Questions Responses
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Reprogrammings - FY22 and FY23							
Reprogramming #1							
Reprogramming	FY Year	Amount (b)	Source (b)	Destination	Sending/Receiving Agency (c)	Original Funding Purpose (d)	Reprogramming Purpose (e)
BJFZ0301	FY22	\$41,169.00	Local (PCA 20100 - Comp. Obj. 0111)	Local (PCA 20200)	Internal	Personnel Services (Vacancy Savings)	Funds used to pay for management consulting from prior agency director during transition period (MOU with DCHR) and contractual services for new employee training on agency's data system (2 employees trained).
BJFZ0301	FY22	\$16,000.00	Local (PCA 20400 - Comp. Obj. 0111)	Local (PCA 20200)	Internal	Personnel Services (Vacancy Savings)	
Total		\$57,169.00					
Reprogramming #2							
Reprogramming	FY Year	Amount (b)	Source (b)	Destination	Sending/Rec	Original Funding	Reprogramming Purpose (e)
BJFZ0500	FY22	\$1,500.00	Local (PCA 10100 - Comp. Obj. 0201)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Equipment	Purchase New Technology - Equipment for New Employees, Conferene Room Upgrade, Replace Old Equipment
BJFZ0500	FY22	\$3,000.00	Local (PCA 10100 - Comp. Obj. 0401)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Training/Travel	
BJFZ0500	FY22	\$3,000.00	Local (PCA 10150 - Comp. Obj. 0401)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Travel/Training	
BJFZ0500	FY22	\$263.00	Local (PCA 10300 - Comp. Obj. 0409)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Copy Machine Lease	
BJFZ0500	FY22	\$3,523.00	Local (PCA 10300 - Comp. Obj. 0308)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Telecommunications	
BJFZ0500	FY22	\$2,000.00	Local (PCA 20600 - Comp. Obj. 0201)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Printing Supplies	
BJFZ0500	FY22	\$1,100.00	Local (PCA 20100 - Comp. Obj. 0408)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	GRID Enhancement	
BJFZ0500	FY22	\$15,000.00	Local (PCA 20200 - Comp. Obj. 0442)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	IT Software Maintenance	
BJFZ0500	FY22	\$5,000.00	Local (PCA 20600 - Comp. Obj. 0411)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Outreach - Hard Copy Materials	
BJFZ0500	FY22	\$2,000.00	Local (PCA 20500 - Comp. Obj. 0411)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	Annual Report Costs	
BJFZ0500	FY22	\$1,900.00	Local (PCA 20200 - Comp. Obj. 0409)	Local (PCA 10150 - Comp. Obj. 0702)	Internal	GRID Operations and Maintenance	
Total		\$38,286.00					

19. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2022 and FY 2023, to date, including:
- Buyer agency and Seller agency;
 - The program and activity codes and names in the sending and receiving agencies' budgets;
 - Funding source (i.e. local, federal, SPR);
 - Description of MOU services;
 - Total MOU amount, including any modifications;
 - The date funds were transferred to the receiving agency.

FY 2022 List of Intra District Transfer – FZ0 as Buyer (Transfer to other agencies) (a)					
Agency Name: DC Sentencing Commission (FZ0)					
Selling Agency (a)	Activity Code (b)	Description (d)	Funding (c)	Amount (e)	Transfer Date (f)
OFRM	1010	Transfer to Purchase Card – FZ0	Local	\$23,279.00	10/14/2021
OFRM	1010	Transfer to Purchase Card – FZ0	Local	\$16,500.00	08/09/2022
OFRM	1010	Transfer to Purchase Card – FZ0	Local	\$6,000.00	9/21/2022
OCTO	2020	Cloud Information Services	Local	\$31,839.65	10/07/2021
OCTO	2020	IT Service Management/OCTO Helps	Local	\$3,256.35	10/12/2021
OCTO	2020	Electronic Document Management	Local	\$405.00	10/12/2021
DCHR	2020	Former ED Hired as Temporary Contractor	Local	\$24,291.00	6/11/2022
Total				\$105,571.00	
FY 2023, to date, List of Intra District Transfer – FZ0 as Buyer (Transfer to other agencies) (a)					
Agency Name: DC Sentencing Commission (FZ0)					
Selling Agency(a)	Activity Code (b)	Description (d)	Funding (c)	Amount (e)	Transfer Date (f)
OFRM	1010	Transfer to Purchase Card – FZ0	Local	\$19,750.00	
OCTO	2020	Cloud Information Services	Local	\$40,629.00	
OCTO	2020	OCTO Helps	Local	\$2002.00	
OCTO	2020	IT Service Management	Local	\$900.00	
Total				\$63,281.00	

20. Please provide a list of all MOUs in place during FY 2022 and FY 2023, to date, that are not listed in response to the question above.

Agency MOU's			
		Start Date	End Date
#1	Data Access IJIS 12.1 DC Superior Court	9/5/2006	On Going
#2	Data Viewing Access via JUSTIS – DC Jail, USAO, Pre-Trial, MPD, CSOSA, and DC Superior Court	5/15/2012	On Going
#3	Arrest Feed Data Access with MPD	10/26/2016	On Going
#4	Amended Data Access MOU - CJCC	12/22/2016	On Going
#5	BOP – DC Offender Yearly Snapshot Data	3/12/2018	On Going
#6	JSAT Participation MOU - CJCC	10/7/2020	On Going
#7	YRA Data Sharing MOU – CJCC	4/22/2022	On Going

21. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2022 and FY 2023, to date. For each account, please list the following:
- The revenue source name and code;
 - The source of funding;
 - A description of the program that generates the funds;
 - The amount of funds generated by each source or program in FY 2022 and FY 2023, to date;
 - Expenditures of funds, including the purpose of each expenditure, for FY 2022 and FY 2023, to date.

The Commission did not maintain, use, or have available any special purpose revenue accounts in FY22 or FY23, to date.

22. Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:
- A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes);
 - The amount of capital funds available for each project;
 - A status report on each project, including a timeframe for completion;
 - Planned remaining spending on the project.

In FY22 or FY23, to date, the Commission did not use or have available any capital funds.

23. Please provide a complete accounting of all federal grants received for FY 2022 and FY 2023, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2022, the amount of any unspent funds that did not carry over.

The Commission did not receive or have funds from any federal grants in FY22 or FY23, to date.

24. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2022 and FY 2023, to date. For each contract, please provide the following information, where applicable:
- The name of the contracting party;
 - The nature of the contract, including the end product or service;
 - The dollar amount of the contract, including budgeted amount and actually spent;
 - The term of the contract;
 - Whether the contract was competitively bid or not;
 - The name of the agency’s contract monitor and the results of any monitoring activity;
 - Funding source;
 - Whether the contract is available to the public online.

DC Sentencing Commission - Contracts and Leases FY22 and FY23 To Date								
FY 2022 Contracts								
Party (a)	Nature of Contract (b)	Amount of Contract – Budgeted (c)	Amount of Contract – Spent (c)	FY	Contract Term (d)	Bid Type (e)	Contract Monitor/ Issues (f)	Funding Source (g)
Mindcubed LLC	Data System Maintenance - FY 22 Remainder of Option Year 2	\$81,272.50	\$81,272.50	22	10/1/21 to 12/20/21	Sole Source – Option Year	Linden Fry/ No Issues to Date	Local Funds
MVS	Copy Machine Lease and Usage	\$5,837.04	\$5,837.04	22	11/20/21 To 11/19/22	DC Supply Schedule	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Maintenance – FY 22 Option Year 3	\$243,817.50	\$243,817.50	22	12/21/20 to 9/30/21	Sole Source - Option Year	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LCC	Odyssey Mod Grid Enhancements	\$308,000	\$298,000	22	11/19/2021 to 11/18/2022	Sole Source – Option Year Modification	Linden Fry/ Project Delays	Local Funds
Dell	Monitor Purchase Contract	\$4,171,86	\$4,171,86	22	4/27/22 to 6/30/22	Small Purchase	Linden Fry/ No Issues to Date	Local Funds
Dell	Smartboard and Technology Purchase Contract	\$37,733.09	\$32,938,65	22	6/27/22 to 9/30/22	Cooperative Agreement	Linden Fry/ No Issues to Date	Local Funds

Mac Business Solutions	Mac Laptop Purchase	\$3,263.29	\$3,263.29	22	9/01/22 to 9/30/22	Small Purchase	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Enhancements	\$21,735	\$21,735	22	6/15/22 To 9/30/22	Sole Source-Option Year	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	New Employee Training	\$9,200	\$9,2000	22	7/01/22 To 9/30/22	Sole Source-Option Year	Linden Fry/ No Issues to Date	Local Funds
FY 2023 Contracts and Leases to Date (as of 1/31/23)								
Party (a)	Nature of Contract (b)	Amount of Contract – Budgeted (c)	Amount of Contract – Spent to Date (c)	FY	Contract Term (d)	Bid Type (e)	Contract Monitor/ Issues (f)	Funding Source (g)
Mindcubed LLC	Data System Maintenance - FY 22 Remainder of Option Year 3	\$81,272.50	\$81,272.50	23	10/1/22 to 12/20/22	Sole Source – Option Year	Linden Fry/ No Issues to Date	Local Funds
MVS	Copy Machine Lease and Usage	\$5,837.04	\$5,837.04	23	11/20/22 To 11/19/23	DC Supply Schedule	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Maintenance FY 23 – Option Year 4	\$243,817.50	\$27,090.83	23	12/21/22 to 9/30/23	Sole Source - Option Year	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LCC	Odyssey Data Enhancement	\$10,000	\$0	23	11/19/2021 to 7/30/23	Sole Source – Option Year Modification	Linden Fry/ Third party delays	Local Funds

h. All agency contracts are available to the public via the Office of Contracting and Procurement’s (OCP) online portal.

25. Please provide the details of any surplus in the agency’s budget for FY 2022, including:

a. Total amount of the surplus;

As of 2/1/2023, the agency recorded a FY22 surplus of \$1,711.28.

- b. All projects and/or initiatives that contributed to the surplus.

While the Commission successfully reallocated the majority funds that could not be used as originally budgeted in FY22, in part due to delays in the Odyssey upgrade, the agency could not spend all of those funds.

C. LAWS, AUDITS, AND STUDIES

26. Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.

There are no current legislative requirements that the Commission lacks sufficient resources to properly implement.

However, as discussed in the response to question nine, the Superior Court is planning to implement a new case management system called Odyssey later this year. It will take more funding and work than anticipated to upgrade the Commission's GRID system to properly receive and analyze data from Odyssey. This is because the format and organization of the data coming from Odyssey, via CJCC's IJIS 12.1 data feed, will be different from what the Commission currently receives.

Within the next few months, the Commission will be asking for additional funding to upgrade the GRID system so that it can receive and analyze data from the Court after the Odyssey case management system is put into production. If the Commission does not modify its own system before the Court brings Odyssey online, the GRID system's capabilities will be extremely limited. If the Commission is unable to use the GRID system for an extended period, it will prevent the Commission from completing its research and reporting mandates, responding to data requests, and monitoring felony sentencing compliance with the Guidelines.

27. Please identify any statutory or regulatory impediments to your agency's operations or mission.

While not a major impediment, the Commission's name is incorrectly listed in one statute and one regulation. The language in both applies to the number of Excepted Service positions available for the agency. Prior to October 1, 2016, the agency was known as the District of Columbia Sentencing and Criminal Code Revision Commission. In October 1, 2016, the Criminal Code Revision Commission was broken off into a separate agency. The statute and regulation still list the Commission as the District of Columbia Sentencing and Criminal Code Revision Commission. Additionally, in the statute and regulation there is a discrepancy in the number of Excepted Service positions allotted to the agency (11 in the statute, 10 in the regulation).

- D.C. Code 1-609.03(a)(9)
- D.C. Mun. Regs. tit. 6-B, § 904.1(f)(9)

28. Please list all regulations for which the agency is responsible for oversight or implementation. Where available, please list by chapter and subject heading, including the date of the most recent revision.

The agency is not responsible for the oversight or implementation of any regulations.

29. Please explain the impact on your agency of any federal legislation or regulations adopted during FY 2022 that significantly affect agency operations or resources.

The Commission is not aware of any federal legislation or regulations adopted during FY22 that significantly affects agency operations or resources.

30. Please provide a list of all studies, research papers, and analyses (“studies”) the agency requested, prepared, or contracted for during FY 2022. Please state the status and purpose of each study.

- a. 2021 Sentencing Commission Annual Report (Published in 2022) – Completed. Provides an overview of felony sentencing trends and practices under the Sentencing Guidelines in 2021.
- b. 2022 Sentencing Commission Annual Report (Published in 2023) – In progress. The report will be completed in April 2023 and sent to the Council and Mayor. Provides an overview of felony sentencing trends and practices under the Sentencing Guidelines in 2022.
- c. Issue Paper – Compliant Departure Sentences – Completed. This paper provides a comprehensive analysis of the factors that motivate Superior Court judges in the District to impose sentences that are more punitive or more lenient than the Guidelines’ recommended sentence.
- d. Issue Paper – New Mitigating Factor / Modified Short Split Definition – Completed. This paper analyzes the impact of the 2021 Guideline Manual changes on felony sentencing in the District. These changes included the addition of a new mitigating factor (M11) as well as a modified definition of a Short Split, which were made to address the impact of COVID-19 on the criminal justice system.
- e. Rule 11(c)(1)(C) Plea Quarterly Reports – Completed. A series of reports that are released each quarter, which highlight sentencing trends for sentences that were imposed following a Rule 11(c)(1)(C) plea (four reports in FY22).
- f. Seasonal Newsletters – Completed. The Commission routinely publishes a newsletter, which highlights the Commission’s latest projects, current sentencing trends, and other topical news surrounding the Commission’s work and the D.C. Voluntary Sentencing Guidelines. The Commission published two newsletters in 2022.
 - i. Spring/Summer 2022 Newsletter – Completed
 - ii. Fall/Winter 2022 Newsletter – Completed

31. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 2022 and FY 2023, to date.

Neither the Commission nor any employee of the agency was involved in any ongoing or completed internal or external investigations, audits, or reports during FY22 or FY23 to date.

32. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations. If the recommendation has not been implemented, please explain why.

The Commission has not received any recommendations from the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years.

33. Please list any reporting requirements required by Council legislation and whether the agency has met these requirements.

The Commission is required by statute to:

- Publish an Annual Report. D.C. Code § 3-104(d)
- Publish and make periodic updates to “a manual containing the instructions for applying the voluntary guidelines.” D.C. Code § 3-101(b)(2).

The Commission is in compliance with both of these requirements. The agency published the 2021 Annual Report in April 2022 and published an updated Guidelines Manual in August 2022.

34. Please list all pending lawsuits that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

The Commission is not a named party in, nor involved in, any pending lawsuits.

35. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2022 or FY 2023, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties’ names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

Neither the Commission, nor the District on the agency’s behalf, entered into any settlements in FY22 or FY23, to date.

36. Please list any administrative complaints or grievances that the agency received in FY 2022 and FY 2023, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY 2022 or FY 2023, to date, describe the resolution.

The Commission has not had any administrative complaints or grievances filed or resolved in FY22 or FY23, to date.

D. EQUITY

37. How does the agency assess whether programs and services are equitably accessible to all District residents?
- What were the results of any such assessments in FY 2022?
 - What changes did the agency make in FY 2022 and FY 2023, to date, or does the agency plan to make in FY 2023 and beyond, to address identified inequities in access to programs and services?
 - Does the agency have the resources needed to undertake these assessments? What would be needed for the agency to more effectively identify and address inequities in access to agency programs and services?

The Sentencing Commission does not have a standard tool or policy used to assess whether programs and services are equitably accessible to all District residents. However, the agency receives feedback through surveys sent after community presentations to determine what additional resources community members would like from the Commission. Unfortunately, these surveys often go unfilled. The Commission also seeks feedback from partner agencies such as the D.C. Department of Corrections (DOC) and the USAO, on how to successfully provide information and resources to marginalized groups in the District.

In FY22, the agency completed an internal audit of how it distributes materials and schedules remote and in person events. This was done to ensure that the agency provides access to as many individuals as possible and is not excluding any group, class, or area that may want to interact with the Commission. In response to some of the feedback received, the agency began making more paper copies of publications available so that individuals without internet access can be kept abreast of updates. Commission staff are also working to get materials to justice involved individuals. For example, we are working with the DOC to ensure that inmates have access to the latest Sentencing Guidelines Manual. In FY 2023, the agency will make edits to its current survey to try to increase engagement.

38. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.
- How was the policy formulated?
 - How is the policy used to inform agency decision-making?
 - Does the agency have a division or dedicated staff that administer and enforce this policy?
 - Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

The Commission does not have a specific racial or social equity statement or policy. However, part of the Commission's mission is to "to promote fair and consistent sentencing

policies.” As part of this, the Commission routinely monitors and publishes data on felony sentencing outcomes analyzed by race, gender, sex, and age. The Commission seeks to detect and eliminate any Guidelines or sentencing rule or policy that treats any group of people different from others or that has a disparate effect on any specific group.

39. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.

The Commission utilizes and applies DCHR’s equal employment opportunity policy for its hiring and HR decisions. The policy states that: “The District of Columbia Government is an Equal Opportunity Employer. All qualified candidates will receive consideration without regard to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation.”

- a. How was the policy formulated?

This policy was formulated by DCHR.

- b. How is the statement or policy used to inform agency decision-making?

Under this policy, the Commission only assesses employment candidates and current employees based on their abilities and performance and not on any of the 18 protected employment traits.

- c. Does the agency have a division or dedicated staff that administer and enforce this policy?

No, due to its size, the agency addresses these issues on a case-by-case basis under the direction of our DCHR advisor. The agency makes an internal or external EEO counselor available to any employee who requests one.

- d. Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

The agency has not completed an evaluation of its compliance with this policy.

E. COVID-19 PANDEMIC RESPONSE

40. Please give an overview of any programs or initiatives the agency has started in response to COVID-19, to date, and whether each program or initiative is still in effect.

- a. In FY21, the Commission made two substantive changes to the Guidelines rules due to the impact of the COVID-19 pandemic on Court and DOC operations. The definition of a compliant short split sentence was modified so that the Court can impose a short split sentence when a defendant was incarcerated longer than six months due to delays in Court operations related to or caused by the invocation of D.C. Code § 11-947. The Commission also added a new mitigating downward departure factor, M11, which allows for sentencing judges to consider unintended delays in a matter when fashioning a sentence. In FY22, the Commission published

an Issue Paper reviewing the utilization of the Guidelines pandemic related rule changes.

These rule changes, which are based on the invocation of D.C. Code § 11-947, will remain in effect after the COVID-19 emergency has passed in case of future emergencies that impact the city's criminal justice system.

- b. As a response to COVID-19, the Commission dramatically increased the amount of materials it makes available online. This includes reports, guides, training materials videos, and presentations for the public. The agency also began hosting Commission meetings online via WebEx. Based on the positive feedback the agency has received, the Commission will continue to increase its online and remote resources.
- c. In late FY22, the Commission upgraded the technology in its conference room to allow for partially remote meetings. The Commission's first partially remote meeting was conducted in November 2022. The new technology allows Commission members and the public to attend meetings remotely or in person. The Commission will continue to host hybrid meetings going forward.

41. Which of the agency's divisions are currently working remotely?

- a. What percentage of the agency's total employees currently work remotely?

None of the Commission's employees work fully remote. The Commission has implemented a teleworking policy that allows all staff to work from home two days per week unless they participate in an alternative work schedule.

- b. Please provide a copy of the agency's Continuing Operations Plan and any remote working protocol.

See Attachment C

42. How has the agency ensured that all staff have access to necessary equipment and a stable internet connection to work from home?

The agency has provided all staff who are on a partially remote schedule with a laptop, monitor, and computer accessories so that they can productively work at home and participate in remote meetings. Before beginning a partial remote work schedule, and every six months thereafter, staff are required to confirm that they have highspeed internet access available at home. In the event that any technology stops working or a staff member loses their highspeed internet connection, they are required to report to work within two hours.

43. Was the agency a recipient of any federal grants stemming related to the COVID-19 pandemic during FY 2022 and FY 2023, to date, and, if so, how were those federal grant dollars used?

The Commission has not received any federal grants or payments related to the COVID-19 pandemic.

44. How has the agency updated its methods of communications and public engagement to connect with customers since the start of the pandemic?

As discussed in question 40, the Commission dramatically increased the number of materials it makes available online. This includes reports, guides, training materials and videos along with live online presentations for the public and trainings for agency partners. The agency also began hosting Commission meetings online via WebEx. Based on the positive feedback the agency has received, the Commission will continue to increase its online and remote resources.

F. AGENCY SPECIFIC QUESTIONS

45. Please describe any modifications made to the MPD Arrest Data GRID Project in FY 2022 or FY 2023, to date.

This answer expands on the response provided to performance question nine.

- a. What modifications to the MPD Arrest Data GRID system does the Commission anticipate making in the remainder of FY 2023?

In addition to the Odyssey upgrades discussed in subsection (b), during FY23, the Commission will work to refine how the GRID system processes and analyzes MPD data. The agency is also working with MPD to determine if there are any discrepancies between the Commission's arrest data and MPD's arrest data.

The Commission will also modify the system so that it will run more efficiently and has enough memory and processing power to complete its daily, weekly, and monthly analyses.

- b. How is the Commission planning to update the GRID system to work in concert with the Superior Court's new Odyssey system?

In 2023, the Superior Court will upgrade their case management system to a new system called Odyssey. The Court has already deployed parts of the Odyssey system in certain divisions, however criminal division implementation has been delayed. Part of the Court's Odyssey upgrade will change the structure and format of Superior Court data that is shared with partner agencies via CJCC's IJIS 12.1 data feed. Due to the unanticipated changes made by the Court, the Commission must modify the GRID system to maintain its data storing, sorting, reporting, and analysis capabilities. This includes, but is not limited to, a redesign of the entire data intake process so that data transmitted by the Court can be integrated into the GRID system; the process currently in place is not able to handle the new format of the Odyssey data.

Additionally, the Commission will need to establish a process that maps historic data formatted by the Court's legacy CourtView case management system to the new data formatted by Odyssey. This is essential so that historical data information is not lost and remains available for analysis. Note that this change in format was not confirmed until recently; the Commission is actively working with the Court and its vendor to reduce the impact of these changes, however the total level of

effort, and a complete list of system changes, will not be known until the Court finalizes the format of data coming from Odyssey.

Based on the specifications that the Court has shared so far; the Commission's vendor submitted an initial estimate of \$435,000 to complete the upgrade so that the GRID system can utilize data from the Court after Odyssey is implemented. The Commission's vendor estimates that it will take five to six months to complete the upgrade once the Commission receives funding and a new contract is in place.

If the Commission does not modify its own system before the Court brings Odyssey online, the GRID system's capabilities will be extremely limited. If Commission staff are unable to use the GRID system for an extended period, they will be prevented from completing the agency's research and reporting mandates, responding to data requests, and monitoring Sentencing Guidelines compliance.

- c. What updates does the Commission anticipate making to the GRID system to reflect changes in the Revised Criminal Code Act of 2022? Does the Commission have an estimated cost for those updates?

The Commission expects that it will need to perform a substantial upgrade or replacement of the GRID system to accommodate the changes to the Guidelines Rules following the enactment of the RCCA. However, the full extent of the required changes will not be known until the Commission determines how the Guidelines will be modified. In 2023, the agency will contract to have a needs assessment completed to assess if it is more efficient and economical to upgrade or replace the GRID system. The needs assessment has already been funded by the Council.

46. How many data requests did the agency receive in FY 2022 and FY 2023, to date?

- a. Please provide a detailed explanation of the data requested (e.g. related to the Voluntary Sentencing Guidelines or the MPD Arrest Data Feed), whether it was approved or denied, and the average response time.

The agency received 11 data requests in FY22 and three data requests in FY23, to date. Information pertaining to each data request can be found below. All requests received in FY2022 were approved, and responses were delivered on or before the requested completion date.

Responding to these requests took a total of 599 staff hours. The average response time to complete a data request in FY22 was 30 days. Two requests took over two months to complete as they either required extensive analyses, and/or were dependent on external factors (review and approval of data sharing agreements). When these two requests are removed from the analysis, the average FY22 data request response time drops to 19 days. In FY23 to date, only one request has been completed; the response time was 12 days.

One of the three data requests received in FY23 was denied. This was an informal data request (submitted via email), in which the requesting party was interested in self-surrender rates for defendants who are incarcerated in DOC facilities and are

awaiting a transfer to the U.S. Bureau of Prisons. This request was denied because the Commission does not have data on self-surrender cases.

Summary of Data Request Submitted to Sentencing Commission				
FY 2022				
# Data Requests Received	# Data Requests Approved	# Data Request Denied	# Hours Required to Complete Requests	% of Data Requests Completed in 20 Days or Less
11	11	0	599	56%
FY 2023 (to date)				
3	2	1	50	100%
Totals				
14	13	1	649	87%

Overview of Completed Data Requests for FY22 and FY23 (to date)		
Type of Request	# of Requests	Requestor
Murder Sentencing Trends	3	Criminal Justice Agency, Legal (solo practitioner)
Theft	1	Internal
Prostitution and Sex Offenses – Arrest and Sentencing Trends	1	Advocacy Group
Violent Offenses – Arrest and Sentencing Trends	2	Criminal Justice Agency, Advocacy Group
YRA – Sentencing Trends	1	Criminal Justice Agency
Carjacking - Arrest and Sentencing Trends	1	Council
Cruelty to Children – Sentencing Trends	1	Criminal Justice Agency
15+ Year Incarceration Sentences – BOP Data	1	Advocacy Group
PFCOV – Sentencing Trends	1	Advocacy Group
Total	12	

47. What was the compliance rate with the Voluntary Sentencing Guidelines in FY 2022 and FY 2023, to date?

Overall compliance represents any sentence that is within the Guidelines recommended sentencing range and sentence type as well as any sentence that is outside of the Guidelines range or sentence type, but is deemed compliant with the Guidelines due to the Court's use of a valid departure factor, a sentence pursuant to Rule 11(c)(1)(C) plea, or another Guidelines exemption. In-the-box compliance represents sentences that are within the Guidelines recommended sentence range and type.

FY 2022 Compliance Rates

The overall compliance with the Voluntary Sentencing Guidelines rate was 97.2%, representing a slight decrease from the 98.5% compliance rate reported in the previous year. The in-the-box compliance rate for FY22 was 90.6%.¹

FY 2023, to date, Compliance Rates

To date, the overall compliance with the Voluntary Sentencing Guidelines rate is 97.8%. The in-the-box compliance rate currently is 93.7%.²

- a. What is the status of the Commission's work with CSOSA to access criminal history information for the 25% of counts sentenced in FY 2021, and any similar information in FY 2022? What are the barriers to the Commission receiving this data in a timely fashion?

Throughout FY22 and in FY23, to date, the Commission has worked with CSOSA diagnostic division supervisors and presentence report writers to obtain criminal history scores in a timely manner. Through regular trainings and direct follow-up, the agency has been able to decrease its missing criminal history score rate.

Presentence report writers enter each defendant's total criminal history score directly into the GRID system through the GSS module. The module essentially is a secure website that allows a report writers to send information directly to the GRID system. The primary barrier to immediately receiving all CH scores from CSOSA occurs when report writers do not enter the scores into the GSS module or the supervisor does not approve the score. In these cases, the Commission manually follows up with CSOSA about the missing score. Through training and follow-up contact, Commission staff has reduced the number of missing scores.

¹ Guidelines compliance could not be calculated for 22 of the 1,436 (1.5%) original felony counts sentenced in FY22 because the Court did not request a PSR for these counts. These counts have been omitted from the following compliance analysis.

² Guidelines compliance could not be calculated for 6 of the 515 (1.2%) original felony counts sentenced in FY23, to date, because the Commission is still awaiting a criminal history score or the Court did not request a PSR for these counts. These counts have been omitted from the following compliance analysis.

Current Missing Criminal History Score Information:

Year (FY)	Number of Missing CH Scores	Missing CH Score Rate ³
2020	10 counts	1.2%
2021	16 counts	2.0%
2022	3 counts	0.2%
2023 (to date)	4 counts	0.7%

- b. For which offense was the compliance rate the highest?
1. FY22 - Most offenses sentenced in FY22 had a 100% compliance rate. There were 83 unique offenses sentenced in FY22; of these, 85.5% had a 100% compliance. Only 12 offenses did not have 100% compliance rates.
 2. FY23 - There have been 62 unique offenses sentenced in FY23, to date. Non-compliant sentences have only been imposed in 5 of these 62 offenses, meaning that 92% of all offenses sentenced in FY23, to date, have a 100% compliance rate.
- c. For which offense was the compliance rate the lowest?
1. FY22 - The offense with the lowest compliance rate in FY22 was Unlawful Possession of Liquid PCP; 88.9% (16 out of 18) of counts sentenced for that offense were deemed compliant with the Guidelines. This was followed by Distribution of a Controlled Substance, where 90.0% of all counts sentenced (27 out of 30) were compliant with the Guidelines.
 2. FY23 - The offense with the lowest compliance rate in FY2023, to date, is Robbery; 86.2% (25 of the 29) of counts sentenced for that offense were deemed complaint with the Guidelines. This is followed by Unauthorized Use of a Vehicle, where 90% (9 out of 10 counts) of all counts sentenced were compliant with the Guidelines.

48. What was the departure letter response rate in FY 2022 and FY 2023, to date? How did the Commission work to increase this rate in FY 2022 and FY 2023, to date?

In FY16, the Commission’s departure letter response rate was 71.7%, which meant that over 25% of requests for departure clarifications that Commission staff made to judges went unanswered. To improve the departure letter response rate, the agency implemented a standardized review process for any sentence initially designated as “non-compliant” by the GRID system. This process includes a timeline that starts on the day of sentencing. For counts that appear non-compliant, Commission staff sends an initial departure letter to the sentencing judge within 30 days of sentencing. If there is no response to the initial letter within two weeks, a second letter is sent. A third letter is sent two weeks after the second letter if the agency has not received a reply. If there is no response to the third letter, a Commission staff member contacts the judge’s chambers directly. If no response is received after contact from the Executive Director, the case status is changed from non-compliant to

³ This rate does not account for cases where the defendant was sentenced without a criminal history score ever being calculated by a presentence report writer.

confirmed non-compliant with a justification of “no response from court” entered in the GRID system.

The goal of this initiative was to improve the response rates from the court by at least 10%. The Commission has accomplished that goal. Listed below are the departure letter response rates from FY18 through FY23, to date:

- FY18 - 85.1%
- FY19 - 86.2%
- FY20 - 82.1%
- FY21 - 95.5%
- FY22 - 95.4%
- FY23 (to date) – 100%

In FY22, Commission staff worked to ensure that all letters and phone calls were made within the set time-period or as close to it as possible.

49. Please discuss any modifications made to the Voluntary Sentencing Guidelines in FY 2022 and FY 2023, to date.

In FY22 and FY23, to date, the Commission did not modify the structure of the Guidelines Master or Drug Grids that set forth the recommended sentencing range and options for felony offenses. However, in the summer of 2022, the Commission made one substantive change to the Guidelines by updating and clarifying how to score prior Out-of-District convictions. This included allowing presentence report writers to consider how a prior offense is listed in a defendant’s criminal record check when determining the closest matching D.C. offense. Additional non-substantive changes to the 2022 Manual included minor formatting and grammatical corrections, the use of gender-neutral language, and updates to the dates in Chapter 9. Non-substantive clarifying changes were made based upon practitioner feedback and to ensure consistency.

- a. What modifications to the Voluntary Sentencing Guidelines does the Commission anticipate making in the remainder of FY 2023?

The Commission does not anticipate making any major substantive changes to the Guidelines in FY23. The Commission is focusing on planning for the major changes necessary to adapt the Guidelines to the RCCA.

50. What training did the Commission conduct on the Voluntary Sentencing Guidelines in FY 2022 and FY 2023, to date, and to which organizations or entities? How does the Commission advertise these trainings?

In FY22 and FY23, to date, Commission staff provided sixteen Sentencing Guidelines education and training sessions as follows:

Organization	Number of Trainings Provided	Number of Individuals Trained
DC Superior Court Judges	2	20
DC Superior Court Law Clerks	5	10
CSOSA	4	40
Office of the Attorney General	1	15
Second Look Project	2	8
Practitioner Continuing Legal Education	1	23
Domestic Violence Fatality Review Board	1	15

In 2022, Commission staff also began offering monthly office hours, a WedEx forum for partners to reach out and ask the Commission’s Attorney Advisor questions regarding the Guidelines. The Commission also added three introductory Guidelines trainings to the agency’s website for judges, presentence report writers, and practitioners.

The Commission advertises its trainings in a variety of ways including: e-mail, newsletters, Twitter, Facebook, the agency’s website, flyers, and word of mouth.

51. Please describe the Commission’s efforts to access reliable Youth Rehabilitation data, including any barriers that the Commission faces in accessing that data.

The Commission remains unable to effectively perform Youth Rehabilitation Act (YRA) analysis because the data received applicable to YRA sentences is unreliable and potentially incomplete. This is because the Court’s current case management system does not require that the YRA sentence data field be populated. Additionally, there is no data field that specifically indicates when a YRA sentence has been set aside by the Court. As a result, the Commission cannot always determine when a petition to set-aside a conviction under the YRA has been granted or denied.

The current YRA data received by the Commission is sufficient for estimating overall YRA sentence trends but is not reliable enough to conduct a formal analysis or use in any type of data sharing/data request response. The Commission is hopeful that the quality and reliability of YRA data will improve when the Superior Court’s Odyssey system is implemented.

In FY22 the Commission entered into a data sharing agreement with CJCC. Under this agreement, CJCC was able to provide the Commission with a complete list of YRA cases. The Commission used that list to provide CJCC with the case and sentencing information they needed to conduct a full analysis and publish their updated Analysis of the Youth

Rehabilitation Amendment Act in October 2022. This data sharing agreement is still in place to aid in fulfilling certain YRA data requests.

52. Please list any reports or analyses that the Commission plans to release in the remainder of FY 2023.
- 2022 D.C. Sentencing Commission Annual Report
 - Five prior data request responses that showcase relevant and interesting sentencing trends
 - Any future data request responses that showcase relevant and interesting sentencing trends
 - Issue Paper – Adult Felony Arrest Papering Trends
 - Fast Facts (2)
53. Please describe the Commission’s implementation of its three-year outreach and educational strategy.

The Commission has made major strides in implementing its three-year outreach and educational strategy. Implementation of the revised plan was put into effect in FY22. The plan focuses on dispersing a wide array of information related to the Commission’s current work, felony sentencing procedure and history, and educational opportunities to interested parties and the public. The plan features distinct goals and objectives, brings awareness to activities, features various outreach avenues, and includes a timeline for deliverables. Two changes have been made to the plan. One change was associated with the content of the Commission brochures, which were updated to focus on providing readers with a general understanding of the Commission and its functions on a quarterly basis. This was done to diversify informational publications as well as address an uptick in questions the Commission has received in the past year. The Commission has also made the decision to decrease the frequency of agency update emails to once a month, unless otherwise requested. The Commission is dedicated to implementing its strategy, which is centered around developing an appropriate outreach curriculum, refining its upward and downward communication, and communicating the work of the Commission to the public and practitioners.

In FY22 and FY23, to date, the agency has conducted 19 community and partner presentations to audiences from the USAO, ANCs, CACs, PSA community meetings, CSOSA, local area universities, as well as Dunbar High School’s Law and Policy Program. The presentations are centered around a wide array of topics which included introducing the Commission to the community, an overview of the felony sentencing process, providing felony sentencing data, and data in the 2021 Annual Report. Staff members also attended 42 community meetings over the past year. In those meetings, staff listened to community concerns about homicides, carjackings, violent crime, and ghost guns.

The Commission was able to expand its outreach through monthly email blasts to its subscriber list of over 200 individuals. These email blasts provide viewers with information on recent Commission activities. Similarly, the Commission has released two biannual “Commission Chronicle” newsletters. In FY22 and FY23, to date, the Commission released two brochures focused on the best ways to ask Guidelines questions, as well as an overview of the Commission and its duties.

The agency has focused on improving the efficiency of the Commission's website and social platforms. This has resulted in 103 website modifications in FY22 and FY23, to date. The Commission also created 738 social posts, compared to 249 posts in FY21, which focused on training opportunities, community events, felony sentencing facts, and the Commission services and history. The Commission has also made use of Facebook boosted posts. From the Commission's two Facebook boosted post campaigns, the Commission's reach has expanded to 21,068 individuals. Lastly, the Commission has released the four YouTube videos outlined in its plan and will continue to release informational videos quarterly. The Commission's website views have increased to 35,350 in FY22 from 23,031 in FY21.

54. Please describe the Commission's plans to update the Sentencing Guidelines in response to the Revised Criminal Code Act of 2022. What is the Commission's timeline for these updates? Will the changes necessitate any funding?

The Commission has begun discussing the process it will use to modify the Sentencing Guidelines following the passage of the RCCA. This process has not been finalized yet. However, if the enactment date for the RCCA remains October 1, 2025, the Commission will need to have the updated Guidelines published by June 2025 to ensure that there is enough time to educate practitioners and stakeholders on the new rules and to make the final updates to the upgraded or new GRID system.

The Commission does not expect the process of updating the Sentencing Guidelines to necessitate a significant increase in funding beyond the new positions the Council funded starting in FY22. Additional funding for training aids and materials may be necessary in FY25.

While only limited additional funding may be needed to update the Sentencing Guidelines, upgrading the GRID system to accommodate changes from the RCCA and/or the updated Sentencing Guidelines will necessitate an increase in funding. This is further discussed in the response to question 61.

55. Does the Commission have any recommendations to the Committee regarding the substance of further criminal code reform legislation?

The Commission does not have any recommendations at this time.

56. Please provide an update on the Commission's Fast Facts series, including a link or copy of 2021 briefings and 2022 briefings, if any.

The Commission's Fast Facts publications are available at: <https://scdc.dc.gov/page/fast-facts>.

- a. How has the Commission made the series on weapon offenses available to residents?

The Commission completed its Fast Facts series on Weapons offenses in September 2021. This series was comprised of four individual Fast Facts, each of which highlighted sentencing trends for a frequently sentenced Weapons offense. Upon completion, each individual Fast Facts was shared on the Commission's website, as well through the agency's various social media accounts. The

publication of Fast Facts were also advertised in the Commission’s newsletter and the 2021 Annual Report (published in 2022).

- b. Does the Commission intend to expand this series to other offense types?

Historically, Fast Facts publications have been limited to covering the sentencing trends for a specific offense. A total of 11 Fast Facts have been published since their inception in Spring 2019, each covering a different offense or class of offenses, ranging from homicide to attempted robbery. Moving forward, the Commission also plans to expand its Fast Facts publications to not only cover specific offense sentencing trends, but also trends for general sentencing topics, including compliant departures and Rule 11(c)(1)(C) pleas.

57. Has the Public Defenders Service submitted proposals to the Commission on Title 16 sentencing provisions, as anticipated?

PDS has not yet proposed any Title 16 sentencing provisions changes to the Commission. The Commission provided the Public Defender Service with Title 16 sentencing data. PDS is considering potential proposals and will raise them with the Commission when they are ready to proceed.

58. Please identify whether, and if so, in what way, the agency engaged The Lab @ DC in FY 2021 or FY 2023, to date.

The agency did not engage with The Lab in FY21 and has not done so to date in FY23. In FY22, The Lab was able to provide the agency assistance correcting a coding error in one of our “R” analysis scripts. This assistance only took a few hours but allowed the agency to avoid having to completely re-write one of its data analysis programs.

59. How many times did the agency meet in FY 2022 and FY 2023, to date? What percentage of members were present at each meeting?

The Commission met nine times in FY22 and has met two times in FY23, to date.

FY 2022 Meeting Dates	Voting Members	Total Members	% of Voting Members Present	% of Total Members Present
October 19, 2021	7	12	58%	71%
November 16, 2021	8	12	67%	71%
January 18, 2022	10	15	83%	88%
February 15, 2022	10	14	83%	82%
March 15, 2022	9	13	75%	76%
April 19, 2022	10	14	83%	82%
May 17, 2022	9	13	75%	76%
June 21, 2022	9	12	75%	71%
September 20, 2022	7	12	58%	71%

Note: The percentage of voting and total members present is based on the Commission’s statutory membership positions. Vacant Commission positions are included in this percentage.

FY 2023 Meeting Dates	Voting Members	Total Members	% of Voting Members Present	% of Total Members Present
November 15, 2022	7	11	58%	65%
January 17, 2023	8 ⁴	14	67%	82%
February 27, 2023 (scheduled)	TBD			

Note: The percentage of voting and total members present is based on the Commission’s statutory membership positions. Vacant Commission positions are included in this percentage.

- a. Are there currently any vacancies on the Commission? What is the status of filling those vacancies?

Currently there are two vacancies on the Commission. The first is a D.C. citizen member appointed by the Mayor. This position has been vacant since June 2020. The second is a Researcher appointed by the Chief Judge of the Superior Court. This position has been vacant since December 2021. The Commission has been in communication with the Chief Judge about filling this vacancy.

Additionally, the Commission also has two members, William R. Martin, Esq. and Frederick D. Cooke, Jr. Esq., whose terms expired on December 31, 2022. Both are “members of the District of Columbia Bar, one who specializes in the private practice of criminal defense in the District of Columbia, and one who does not specialize in the practice of criminal law, appointed by the Chief Judge of the Superior Court in consultation with the President of the District of Columbia Bar.” D.C. Code § 3-102(a)(1)(G). Both are eligible for reappointment.

- b. Which Commission members, if any, will have their term end during calendar year 2023?

Molly Gill, Esq., a D.C. citizen member appointed by the Council pursuant to D.C. Code § 3-102(a)(2)(I), has a term that will expires on July 1, 2023. She is eligible for reappointment.

- c. Did the Commission ever have to postpone or cancel a meeting due to failing to meet quorum?

In FY22 or FY23, to date, the Commission did not have to postpone or cancel any meetings due to failure to achieve a quorum.

⁴ Commission members William Martin, Esq., and Frederick Cooks, Esq. attended this meeting, however they are not counted in this figure because their term expired on 12/31/2022 and they had not been reappointed.

60. Please provide the Committee with an update on the Commission's progress in achieving the five priorities shared with the Committee in the Commission's FY 2021 performance oversight responses. Specifically:

- a. Modify the GRID system to be able to receive data from the Superior Court's new Odyssey data system;

The agency's GRID system receives essential case and sentencing data from the Superior Court via the CJCC's IJIS 12.1 data feed. As discussed in responses to performance questions 9, 26, 45(b), and 61, the Superior Court expected to deploy a new case management system called Odyssey for all criminal cases in 2022. However, Odyssey's development and deployment has been delayed due to a variety of technical and logistical issues facing the Court. The Court now hopes that Odyssey will be implemented for all criminal cases sometime later in 2023. Additionally, in December 2022, the Commission learned that the data coming from Odyssey will use a different format and schema than the data currently being sent from the Court's legacy case management system. This change will necessitate major changes to the GRID system. Without Court data, the GRID system is unable to properly function. As a result, the agency needs to upgrade the GRID system to account for the changes in the IJIS 12.1 data feed.

In December 2021, the agency contracted with its GRID system vendor to upgrade the system so that it will be able to receive and analyze Court data after the Odyssey upgrade is deployed. However, when this contract was made, the Commission and other partner agencies were unaware of the extent to which data coming from Odyssey would be different from data coming from the Court's legacy system. Further, the changes to the data format and schema affect the Commission more than any partner agency due to the amount of data fields the Commission analyzes; the fact that the Commission analyzes data from case inception all the way through post-conviction; and the Commission's need to analyze historic and current data together.

Working to upgrade the GRID system so that it can handle data from Odyssey will remain a major priority for the Commission in FY23 and FY24.

- b. Continue to test and evaluate the capabilities of the GRID system's MPD Arrest Data Feed enhancement project;

One of the Commission's most recent accomplishments was the completion of the GRID MPD Data Enhancement Project. The project integrated MPD arrest data into the GRID system and merged the data with already existing Superior Court sentencing data and CSOSA defendant criminal history information. This undertaking has expanded the Commission's current research capabilities and has allowed for the tracking of a felony case from arrest through sentencing or final case disposition. Since project completion, the Commission continues to work on improving and evaluating the capabilities of the enhancement.

During 2022, the Commission updated the GRID system's MPD analysis feed to populate the arrest number for all charges added to an event post-arrest. This action enabled sentencing data to be linked backed to the arrest from which it stemmed

and allowed for a more comprehensive arrest to sentencing analysis. In FY22, four data requests were completed that utilized MPD arrest data and sentencing data. There is one pending request in FY23, to date, that will require the Commission to analyze arrest and sentencing data together. We are currently preparing our Annual Report, which will utilize arrest data to discuss discrepancies in papering rates by ward, a topic which will be examined in more detail in an upcoming Issue Paper. Currently the system allows for analysis based on ward of arrest, upcoming system improvements should allow for more analysis based on arrest location.

Earlier this year, the Commission determined that there was a subset of arrests that were not being processed into the analysis portion of the GRID system. This was because there were competing data values for one specific column of data related to the individual(s) arrested. The Commission resolved this issue by updating the GRID system to select every entry where the Person Role value is labeled as 'Defendant'. After this update was made, there was a backlog of old arrests that were processed into the GRID system – the majority of which were made in 2021. These arrests were not available for analysis at the time of the 2021 data freeze, and consequently, were not included in the arrest analysis presented in the 2021 Annual Report. As such, the number of 2021 felony adult arrests reported in the 2021 Annual Report is different than the number that will be reported in the 2022 Annual Report.

The data used in the 2021 Annual Report contained 3,082 adult felony arrests, however after the backlog of data had been processed, this number increased to 4,851 adult felony arrests. After accounting for this increase, the proportion of arrests that were filed in D.C. Superior Court (aka "papered") in 2021 remained the same (58%). The Commission continues to work with MPD to identify the business rules that need to be implemented when arrests are not being processed into the analysis portion of its data system due to competing values in various data fields.

The Commission is very appreciative of its partnership with MPD and routinely works with their data team to ensure that the data the agency receives is accurate and up to date. Recently, Commission staff discovered that there is a discrepancy in the number of adult felony arrests made each year between the data that is maintained by the Commission and what is reported by MPD. We are actively working with MPD to better understand the filters that are applied to the data and the specific type of data that is transmitted to the Commission on a daily basis. The Commission continues to work with MPD to better understand and resolve this discrepancy.

- c. Review the Sentencing Guidelines' current Lapse and Revival policies;

In FY22, the Commission continued its review and discussion of the Guidelines Lapse and Revival policies. While the Commission engaged in several productive discussions on the issue, implementing potential changes was delayed so that the issue could be brought up as part of the major changes the Commission will make to the Guidelines following the passage of the RCCA.

d. Increase public outreach and education;

In FY20, the agency adopted a strategic outreach and education strategy that focused on public education regarding the purpose and function of the District's Voluntary Sentencing Guidelines. This strategy was modified in FY21 and FY22 to help District citizens understand the sentencing process, sentencing trends in their neighborhood, and the factors that are taken into consideration when calculating a defendant's recommended Guidelines sentence. This strategy was further refined in order to engage audiences both in person and virtually.

In FY22, the agency used various outreach tools, including social media, printed materials, email marketing, recorded presentations, and engaging website features to ensure that all residents have access to felony sentencing information. This allowed for two-way dialogue with residents who are faced with real life public safety issues and situations. The Commission was able to increase its social media following, email subscriber list, and its website views. The Commission has also made connections with the DOC, CSOSA, and other groups and agencies that cater to justice involved individuals to ensure that they have access to updated Sentencing Guidelines materials.

A large part of staff's attention in FY22 was focused on learning different community concerns about criminal justice and sentencing by attending public safety-oriented events from community groups such as Concerned Residents Against Violence (CRAV) as well as PSA Community Meetings. This allowed the agency to build awareness of the Commission's role and activities as well as educate the public regarding sentencing in the District.

In FY23, the Commission has taken steps to educate local area college students as well as high school students to the felony sentencing process in the District. In the first quarter of FY23, the Commission presented to five groups which include students from Dunbar High School, the George Washington University, and American University. The Commission will continue to work with District area schools and universities.

During this timeframe, the Commission placed a heavy focus on presenting to a minimum of two community groups per month (excluding December and January). The Commission has tentative plans to present at three in-person community presentations for Ward 8 residents during the summer months. In FY23, the agency looks to expand its outreach and transparency by releasing data that has been collected via data requests to share additional D.C. specific sentencing data.

e. Monitor the impact of Guidelines modifications.

In FY21, the Commission made two substantive changes to the Guidelines rules due to the impact of the COVID-19 pandemic on Court operations. The definition of a compliant short split sentence was modified so that the Court could impose a short split sentence when a defendant was incarcerated longer than six months due to delays in Court operations related to or caused by the invocation of D.C. Code § 11-947. The Commission also added a new mitigating downward departure factor,

M11, which allows for sentencing judges to consider unintended delays in a matter when fashioning a sentence.

This past year, the Commission released an Issue Paper that provides a detailed overview of these changes and their rationale, as well as a comprehensive analysis of how often the new rules have been utilized by Superior Court judges. The Commission found that during the year following implementation of the new rules, the modified short split sentence was imposed 20 times, representing 69% of all counts that were eligible for that sentencing option and approximately 2% of all felony counts sentenced during that timeframe. The new M11 mitigating departure factor was applied in five sentenced counts in four unique cases, representing 18% of all 27 compliant departures imposed, and less than 0.5% of all felony counts sentenced in the year since it was added to the D.C. Voluntary Sentencing Guidelines.

It is important to acknowledge that during this timeframe, both the modified short split and the M11 departure factor were applied in very few cases -- approximately 2% of felony sentences -- therefore, any findings drawn from the analysis presented in the Issue Paper cannot be generalized due to the limited data available. Moving forward, the Commission will continue to monitor the sentencing trends and utilization rate of these amendments.

61. Are there any barriers, statutory or otherwise, that unnecessarily slow or hamper the Commission's work?

As discussed above, the Commission's primary barriers are technology related. The GRID system will need to be upgraded to continue functioning after the Court's new Odyssey case management system goes online. Additionally, the Commission will need to increase the size of its servers to accommodate the volume of MPD Arrest data coming into and being analyzed by the system. Finally, after the Commission makes significant revisions to the Sentencing Guidelines rules to accommodate the RCCA, the Commission will need to either replace or substantially modify the GRID system to account for the new rule changes, new offenses, and new procedures. The Commission is planning to conduct a data system needs assessment later this year to begin determining the extent of the system upgrades that will be necessary.

- a. Does the Commission have sufficient staff support?

The Commission currently has sufficient staff support.

- b. How could the Committee better support the work of the Commission?

The Committee does a great job supporting the work of the Commission. Moving forward, the best way the Committee can continue to further the work of the Commission is to ensure necessary upgrades to the GRID system are fully funded.